This is MOSH

Tom Thorsen
Compliance Specialist
Hunt Valley

Maryland Occupational Safety and Health

Facility Information

- Facility Description
- Emergency Exits
- Bathroom Locations
- Breaks, Lunch & the Important Stuff

Biography

- Tom Thorsen
- Maryland Occupational Safety and Health
- 17 Years
- Safety Compliance Specialist
- thorsen.tom@dol.gov
- 410-527-4429

Session Overview

- OSHA and MOSH: A Historical Perspective
  - Differences
- The MOSH Mission and Services
- MOSH Inspection
- Post Inspection
- How MOSH can help employees and employers
- Regulatory Updates

Session Overview

- Research and Statistics
- Consultation Focus
- Compliance and Enforcement
  - Inspections
  - Cooperative Compliance Agreements
  - Voluntary Protection Program

OSHA History

Pre-1970 B.C.

House Representative - William A. Steiger

"In the last 25 years, more than 400,000 Americans were killed by work-related accidents and disease, and close to 50 million more suffered disabling injuries on the job..."

OSHA History

December 29, 1970
OSH Act:

"to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources"

Pre-1970 B.C.

- By 1890, 21 states had enacted occupational safety and health laws regulating a variety of items such as; ventilation, heating, lighting, elevators, scaffolds, boilers, and fire safety
- 1911 – 1920 Worker's Compensation Laws were implemented in all but six states
- Walsh-Healy Public Contracts Act of 1936; Gov't contracts worth >$ 10,000; observe a 8 hr. day /40 hr. week, prohibited child labor, and included vendors
- Fed Coal Mine Safety Act of 1952 :>(Had limited teeth
- Longshoremen's and Harbor Workers' Compensation Act
- Service Contract Act of 1965
- Contract Workers and Safety Standards Act

Public Law 91-596

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

MOSH History

- July 1, 1973, MOSH Act
- Authority & enforcement responsibility
- Must be "as effective as" the federal program

State Plans

- Federal regulations offer no coverage for public sector employees
- 28 states are designated as "state plan" states
- Many "state plan" states do offer coverage for public sector employees

The MOSH Mission

To assure, as far as possible, every working man and woman in the State of Maryland, safe and healthful working conditions; and, to assure, in so far as practicable, that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his or her work experience.

From Mission Statement to Workplace Reality

- By encouraging employers and employees to reduce safety and health hazards in the workplace
- By establishing or improving existing safety and health programs
- By providing qualified consultants, free of charge, to employers, on request, to review worksites for hazardous conditions

From Mission Statement to Workplace Reality

- By developing safety and health standards
- By providing effective compliance and enforcement programs
- By researching the field of occupational safety and health to discover innovative methods, techniques and approaches to cope with occupational safety and health problems

MOSH Act

- **MD Employers** covered under the act have the responsibility to provide a safe workplace, free from recognized hazards that are likely to cause death or serious harm to employees
- **MD Private and Public Employees** must follow all occupational safety and health standards and all rules, regulations, and orders issued under the Act

MOSH Enabling Legislation July 1, 1973

- MOSH Adopted OSHA Standards
  - 29 CFR 1910 – General Industry
  - 29 CFR 1926 – Construction
  - 29 CFR 1928 – Agriculture

Examples of MOSH Standards

- MD Confined Space Law
- MD Access to Information About Hazardous & Toxic Substances
- MD Lead in Construction
- MD High Voltage Line Act
- Prohibition on Smoking in the Workplace
- Cranes
- Tree Care

MOSH STANDARDS ARE IN BLUE Yellow BOOKS

Who Is Covered?

- Every employer in the State of Maryland that has at least one employee
- State and local governments
  - NOTE: Federal employees and DOD contractors are not covered by MOSH

Limits to the OSHA / MOSH Standards

- It is important to remember that the OSHA/MOSH standards provide only minimal protection
- Of course where possible, employers should attempt to improve conditions, to go above and beyond the written standards

MOSH Advisory Board

12 Members

- 11 Voting members
  - Appointed by the commissioner
  - Approved by the secretary
- 1 Non-Voting member
  - Commissioner is an ex officio member (non voting)

11 Voting Members

Represents agriculture	(1)
Represents business regulated by the public service commission	(1)
Represent health professions	(2)
Represent industry	(2)
Represent labor	(2)
Represent public	(3)

The MOSH Programs

- MOSH training and education
- Consultation services
- Research and statistics
- Compliance and enforcement

Training and Education

- Free seminars
- Safety and health publications
- Speakers

Free Seminars

- Accident Investigation
- Bloodborne Pathogens
- Characteristics of an Effective Safety & Health Program
- Construction Equipment Awareness (New)
- Crane Safety Awareness (New)
- Construction Site Safety I
- Construction Site Safety II
- Construction Site Safety Scaffolding
- Excavation Safety
- Electrical Safety & Lockout/Tagout
- Electrical Safety
- Emergency Response and Disaster Preparedness
- Hand & Power Tool Safety
- Introduction to IH for Construction
- SDS/RTK/PPE
- OSHA 10 Hr
- Occupational Exposure to Noise
- Permit Required Confined Space
- (New) - (Roofing & Framing Fall Protection)
- Intro to OSHA Recordkeeping
- Topics in OSHA Recordkeeping(New)
- Respiratory Protection
- Residential Fall Protection
- Seguridad en la Construccion
- This is MOSH
- Trenching & Excavation Competent Person–
  Workplace Hazard Assessment
- Workplace Violence
- Introduction to Safety & Health for Supervisors (Revised) - 2Days

Free Lending Library

- Audiovisual materials
- Reference materials

Consultation Services

- Voluntary program by employer's request
- Program priority – 250 employees or less; high hazard industries
- Safety or Health or Both
- No citations or penalties
- Free of charge; confidential
- May request survey of entire worksite or specific area

*NATIONAL COMPANY of 500 EMPLOYEES OR LESS

Consultation Services Basic Elements

- **Onsite assistance**
  - Hazard surveys (primary activity)
  - S&H program evaluation/assistance
  - Training
  - Written report
  - Seminars
  - Sampling

Consultation Services Basic Elements

- Offsite assistance
  - Discussions/Meetings/Research
- Service is free and confidential
- 90% funded by OSHA

Consultation Services Other Basic Elements

- Shielded from programmed inspections while consultation visit is "in progress"
- Recognition and exemption program
  - Correct all hazards
  - Establish safety and health program
  - Exemption from programmed inspections

SHARP

Consultation Services Hazard Survey

- Employer defines scope of survey
  - Safety and/or health
  - Complete or limited
- Consultant conducts walkthrough and identifies hazards
- Verbal agreement on correction dates

Consultation Services Hazard Survey

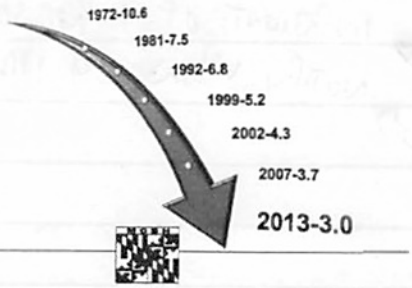
- Report prepared and mailed
- Employer sends notice of correction or requests extension
- Extension requests evaluated

Research and Statistics

- MOSH Research and Statistics
  - resource for Maryland employers for recordkeeping issues
- BLS Reporting – Maryland injury and illness statistics

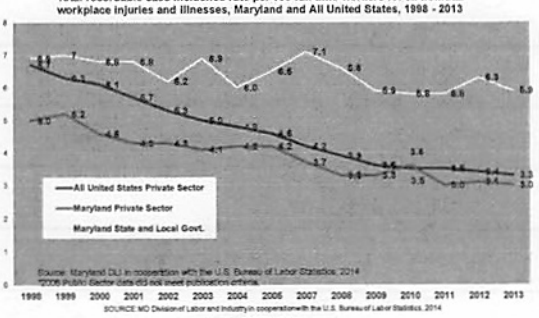
Just the Facts

Total Recordable Case Incidence Rates Per 100 Full-Time Workers for All Non-Fatal Workplace Injuries and Illnesses, Maryland's Private Sector



Research and Statistics

Total recordable case incidence rate per 100 full-time workers for all nonfatal workplace injuries and illnesses, Maryland and All United States, 1998 - 2013


All United States Private Sector
Maryland Private Sector
Maryland State and Local Govt.
1998 1999 2000 2001 2002 2003 2004 2005 2007 2008 2009 2010 2011 2012 2013

Source: Maryland DLI in cooperation with the U.S. Bureau of Labor Statistics, 2014
*2006 Public Sector data did not meet publication criteria.
SOURCE: MD Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, 2014

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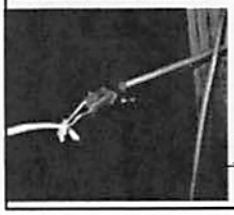
Top Ten Violations

Most frequently cited OSHA regulations during FY 2015 inspections



1. Fall Protection
2. Hazard Communicatio
3. Scaffolding
4. Respiratory Protection
5. Lockout/Tagout
6. Powered Industrial Trucks
7. Ladders
8. Electrical – Wiring Methods
9. Machine Guarding
10. Electrical – General Requirements

CHANGING Maryland for the Better

DLLR

ALERT-ALERT-ALERT-ALERT-ALERT

OSHA 300 Injury and Illness Logs

OSHA's updated recordkeeping rule expands the list of severe injuries that employers must report to OSHA.

- ✓ All work-related fatalities within 8 hours.
- ✓ All work-related inpatient hospitalizations
- ✓ All amputations.
- ✓ All losses of an eye within 24 hours.

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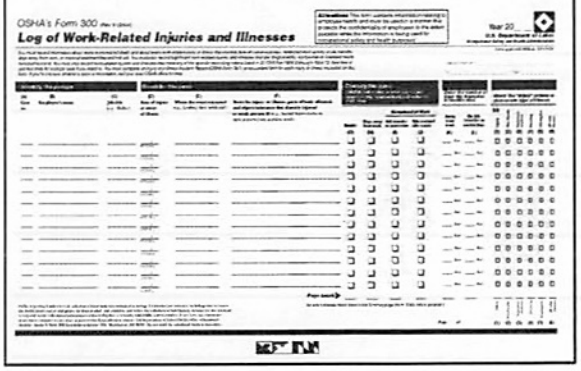
ALSO → CATASTROPHY 3 OR MORE INJURED AND ADMITTED TO HOSPITAL

INPATIENT OF 1 PERSON NOTIFY WITHIN 24 HRS

HAVE NOT BEEN ADDOTED

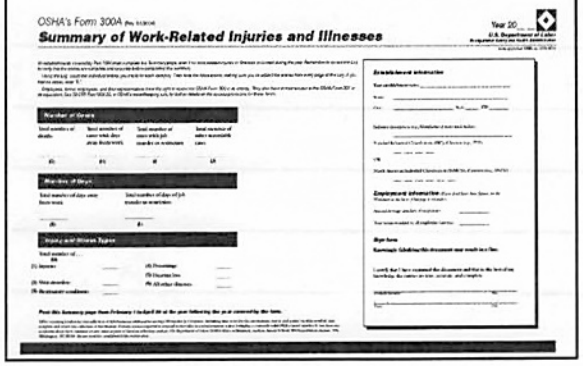
OSHA 300 Log


OSHA's Form 300

Log of Work-Related Injuries and Illnesses

* NEED TO CHECK FOR LOG FOR THIS YEAR AND LAST 3 YEARS

OSHA 300A (Summary)


OSHA's Form 300A

Summary of Work-Related Injuries and Illnesses

THIS IS POSTED FROM FEB 1 TO APRIL 30 AT SITE.

Compliance and Enforcement

- Responsible for ensuring that employers meet their duty under the MOSH Act
- Hunt Valley headquarters and regional offices
- On-site inspections by trained safety inspectors and industrial hygienists

Compliance and Enforcement Inspections

1. Imminent danger
2. Fatality / catastrophe
3. Complaints and Referrals
4. Accidents
5. OTS Complaints and Referrals
6. Follow-up
7. General schedule

PROGRAMED

Compliance and Enforcement Inspections

- Complaints:
  - Filed by current employee
  - Filed by employee representative
  - Filed by employer on behalf of employees
  - Confidential
  - Rewritten by operations
  - Employer receives operations version

Compliance and Enforcement Inspections

- Referral
  - Safety officer to industrial hygienist
  - Industrial hygienist to safety officer
  - Other individuals

Compliance and Enforcement Inspections

- Follow-up
  - To verify abatement
  - To ensure citation posted
  - To determine if interim protection provided and adequate

Compliance and Enforcement General Schedule Inspections

- General Industry
  - MOSH generates lists of SIC/NAICS codes based on Maryland employer injury and illness rates
  - Randomly selected

LOOKS FOR HIGH HAZARD INDUSTRY

Compliance and Enforcement General Schedule Inspections

- **Construction**
  - Counties send permit information
  - Use commercially prepared listing
  - Observation
  - Supervisor prioritizes by hazards
- **Workers' Compensation First Reports**

MOSH Inspection Process

- Opening conference
- Walk-around
- Closing conference

3 PARTS OF INSPECTION

MOSH Inspection Process
Opening Conference

- Identification by CSHO / IH
- Purpose and scope
- Legal authority
- Employer representative(s)
- Employee representative(s)
- Other employers
- Employee interviews
- Is anyone else on-site?

USUALLY IS TO 30 minute.

MOSH Inspection Process
Opening Conference

- Photographs and note taking
- Trade secrets
- Potential hazards
- Records review

SAFETY & HEALTH
HAZ COM } IN WRITING
LIST OF CHEMICALS
COPY OF SDS OF PRODUCTS } IN WRITING
ALSO
OSHA 300
OPERATIONS MANUAL
TRAINING PROGRAM

MOSH Inspection Process Walk-Around

- Process flow
- Discuss hazards
- Try to get immediate abatement
- Interview employees
- Measurements
- Pictures

MOSH Inspection Process Closing Conference

- Apparent violations
- Abatement methods
- Citations and penalties
- Rights and responsibilities
- Other legal requirements

MUST BE DONE WITH IN A 6 MONTH (CITATION ISSUED)

MOSH Inspection Process Report Process

- History
- Narrative
- Further evaluation of safety and health program
- Research apparent violations
- Include photographs
- Submit recommendations to supervisor

Information for Supporting Violations

- Did a hazardous condition exist?
- Were employees exposed?
- For how long?
- Frequency of exposure?

Information for Supporting Violations

- Feasible means of abatement?
- Employer aware?
- Possible injuries or illnesses?

Violations and Penalties

Willful violation	$70,000
Repeat violation	2x, 4x, 6x, 10x
Serious violation	$ 7,000
Other than serious	$ 7,000
Failure to correct	$7,000 per day
Failure to provide abatement verification	$ 350
Administrative penalty	$175-7,000
General Duty Clause	$7,000

↑ (Only Serious)

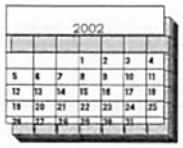
This is MOSH only

Factors Influencing Penalties

- Number of employees exposed
- Severity of potential injury / illness
- Actual harm
- Proximity to the hazardous condition
- History
- Good faith
- Employer size

Citations and Penalties

- Approximate timeline
- Method of citation issuance
- Requirement to post citations



USUALLY WITHIN 4 TO 6 WEEKS. THEY HAVE CITATIONS WITHIN 15 DAYS THEY HAVE TO FILE FOR A FORMAL HEARING CAN HAVE AN INFORMAL HEARING BEFORE FORMAL HEARING

Responsibilities

Wed Dec 16, 2001

RETURN TO:
Maryland Occupational Safety & Health, 6th Floor-Room 611-5
1100 North Eutaw Street, Baltimore, MD 21201

ABATEMENT CERTIFICATION RESPONSE

XYZ, Inc.
123 Main St.
Baltimore, MD 21200

Case No: Z9999-999-99
Control No: 909090909

Gentlemen:

As a result of the inspection/investigation conducted at your establishment, certain alleged hazards/violations were disclosed as indicated in the enclosed CITATION(s). YOU ARE OBLIGATED BY LAW to correct hazardous conditions or practices I your workplace.

RESPONSE and return it to the Agency at the above address as soon as possible by indicating what actions you have taken to correct the violation (s) and dates corrections were made within the time frame set forth. USE ADDITIONAL PAPER AS NECESSARY.

CIT#	ITM#	DESCRIPTION	TYPE	ACTION DATE	DESCRIBE ACTION TAKEN TO CORRECT VIOLATION	DATE CORRECTED
01	001a	1926.451 g 1	SERIOUS	Dec 22, 1998	Guardrails were installed on each section.	Dec 21, 2001
01	001b	1926.451 e 1	SERIOUS	Dec 22, 1998	An access ladder was provided.	Dec 21, 2001

Affected employees and their representatives were informed on December 21, 2001 of abatement steps taken.
Date

I certify that the above statements are true and correct.

John Doe
President
Employer Representative — Title

Abatement Documentation

For all Citations

- In addition to the information on the abatement certification, *evidence of abatement* must be included.

- Required for willful, repeat, and failure to correct violations, and serious violations if indicated on the citation.

Evidence of Abatement

- Photographs
- Videotapes
- Written programs
- Invoices or receipts
- Training records

Rights

- 15 workday window of opportunity
  - Informal conference
  - Contestment

Rights - Informal Conference

- Not mandatory (employer must request)
- Employer and regional supervisor/conferee discuss:
  - Standards cited
  - Abatement
  - Penalties
  - Settlement

Rights – Contestment

- Contest citation and notification of penalty
  - Contest a citation item
  - Contest a penalty
  - Contest *everything*
- Request location of hearing
- Request copy of case file (MPIA)

Rights – Contestment

- Levels of Contestment
  - 98% settled at informal conference
  - Formal hearing
  - Commissioner review
  - Circuit court

Other Legal Requirements

- Petition for modification of abatement dates
- Employer may challenge abatement dates
- Follow-up inspection
- Failure to correct = additional penalties
- Do not provide false information
- Do not discriminate against employees
- Employer may seek a variance

MOSH Compliance and Enforcement

- Partnerships:
  - Cooperative Compliance Partnership (CCP)
  - Voluntary Protection Program (VPP)

OSHA/MOSH Cooperative Programs

OSHA/MOSH offers the following cooperative programs under which businesses, labor groups, and other organizations can work cooperatively to help prevent fatalities, injuries, and illnesses in the workplace.

alliance

SHARP

OSHA/MOSH Cooperative Programs

alliance

OSHA works with groups committed to worker safety and health to prevent workplace fatalities, injuries, and illnesses by developing compliance assistance tools and resources, share information with workers and employers, and educate workers and employers about their rights and responsibilities.

Strategic Partnership Program provides the opportunity for OSHA/MOSH to partner with employers, workers, professional or trade associations, labor organizations, and/or other interested stakeholders to establishes specific goals, strategies, and performance measures to improve worker safety and health

Construction Safety and Health CCP Criteria

- Site specific
- General contractor responsible for subcontractors' safety performance
- Written safety and health program
- Must meet safety performance criteria (LWDI rates or EMR rates)
- No exemption for unprogrammed activity

Construction Safety and Health CCP Criteria

- All site contractors must meet these criteria to be eligible:
  - No history of MOSH violations involving willful, repeat or failure to correct within the last 5 years
  - On-site person with responsibility, authority and capability to implement safety and health program

Construction Safety and Health CCP Criteria

- Eligible site contractors must meet these criteria:
  - Complete successful assessment of site safety and health program addressing:
    - Comprehensiveness of program
    - Degree to which implemented
    - Presence of competent persons
    - Method by which safety programs enforced

Construction Safety and Health CCP Criteria

- MOSH procedures under the CCP agreement
  - On-site compliance assistance representative
  - Focused "verification" inspections identifying: fall hazards, electrical hazards, caught in/between hazards, struck-by hazards

Construction Safety and Health CCP Criteria

- MOSH procedures under the CCP agreement
  - No penalties for any alleged hazards that are promptly abated
  - If serious hazards are NOT promptly abated then traditional enforcement measures will be taken

The Voluntary Protection Program (VPP) Criteria

- Management agrees to operate an effective health and safety program
- Employees agree to participate
- MOSH verifies that program meets VPP criteria
- MOSH reassesses periodically

How Does Your Company Join the VPP Program?

- Complete a Self-Assessment checklist (included in VPP information kit)
- Submit a written application
- Successfully complete MOSH on-site review

Benefits of VPP As Reported by VPP Participants

- Improved employee motivation to work safely
- Reduced workers' compensation costs
- Recognition in the community
- Improvement of programs
- Fewer lost workdays (generally 60-80% fewer than comparable site)

Contact Us

General Information	(410) 527-4499
Report Fatality/Catastrophes	(888) 257-MOSH
Outreach-Training & Education	(410) 527-2091
Consultation	(410) 527-4472
Region 1 (Easton)	(410) 819-5860
Region 2 (Hunt Valley)	(410) 527-4442
Region 3 (Hunt Valley)	(410) 527-4426
Region 4 (Hagerstown)	(301) 791-4699
Region 5 (Hunt Valley)	(410) 527-4424
Region 00 (Hunt Valley)	(410) 527-2066

HELPFUL WEBSITES/REFERENCES

Web Sites:

http://www.dllr.maryland.gov/labor/mosh/
www.osha.gov
http://www.mema.state.md.us
http://www.cdc.gov/niosh/

Questions